



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: May 25, 2005

REPORT NO. HO-05-091

ATTENTION: Hearing Officer

SUBJECT: 3111 KEATS MAP WAIVER  
PROJECT NUMBER: 55335

LOCATION: 3111 Keats Street

APPLICANT: Larry Cole, Landmark Engineering

### SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver 167561 to waive the requirements for a Tentative Map to convert four residential units (currently under construction) to condominiums and waive the requirement to underground existing overhead utilities?

### Staff Recommendation –

1. APPROVE Map Waiver 167561.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Peninsula Community Planning Board considered the project at their meeting on February 17, 2005 and voted 9-0-2 to recommend approval of the project. No formal correspondence has been received to date from the PCPB.

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines.

### BACKGROUND

The proposed project is located at 3111 Keats Street between Locust Street and Evergreen Street on a 0.115-acre site in the RM-3-7 Zone (Residential-Multiple Unit), Coastal Height Limit

Overlay Zone, Airport Approach Overlay Zone, within the Roseville neighborhood of the Peninsula Community Plan and Local Coastal Program (Attachment 1).

The Peninsula Community Plan designates this area for “Multi-Family” land use, 30-44 du/ac (Attachment 2). The surrounding area contains the Roseville commercial district, multi-family and single family development. The four residential units are currently under construction through Building Permit 113756. The proposed construction is in conformance with the current development codes, and meet all the development requirements for the RM-3-7 Zone, excepting that the project deviates from current lot size requirements. Under current regulations, minimum lot size for the RM-3-7 Zone is 7,000 square-feet where the lot size for this project is 5,000 square-feet. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The four unit project currently under construction is considered at a density of 4 units on 0.115 acre or 35 du/ac.

The project application for the building permit was deemed complete on June 2, 2004, after the adoption of the March 15, 2004, Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the amended regulations.

## DISCUSSION

This project is a request to waive the requirements for a Tentative Map for the subdivision of a 0.115-acre site into one lot to convert four residential units (currently under construction) to four condominium units, which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Peninsula Community Plan, which designate the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

The site is a flat 5,009-square-foot, rectangular substandard lot which is currently zoned RM-3-7, a multiple unit residential zone permitting one unit per 1,000-square-feet of lot area. The zone was applied in January 2000. Previous zoning was R-3, which was established on the site in July 1974 and allowed eight residential units. The project contains four-one-bedroom units, for a total of 4,100 square-feet of living area. This project provides 6 parking spaces: 5 within enclosed garages, and 1 off-street open space. Under current regulations, the project would require 6 spaces: the four 1-bedroom units require 1.5 spaces each in accordance with LDC-Table 142.05C. No new construction or grading will take place under Map Waiver No. 167561, nor are there any known Building or Zoning Code violations of record against this property.

This project is exempt from environmental review pursuant to Article 19, Section 15332 of CEQA on the basis of Infill Development. Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. A subdivider may request a waiver of Tentative Map requirements pursuant to Section 125.0120 of the San Diego Municipal Code. According to San Diego Municipal Code Section 144.0444, *Findings for Tentative Maps for Condominium Conversion*, the decision maker may approve a waiver from

tentative map and requirements for subdivision proposals which demonstrate compliance with the General Plan, the Peninsula Community Plan and the State Subdivision Map Act. Staff has determined the proposed waiver is consistent with the General Plan, the Peninsula Community Plan and the State Subdivision Map Act Section 66428.

#### Affordable Housing:

The project is subject to the Inclusionary Housing regulations. Applicant has satisfied these requirement by paying an Inclusionary Affordable Housing In-Lieu Fee of \$2,375 during the building permit process, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code; and DSD Information Bulletin 532).

#### Community Planning Group Recommendation

The Peninsula Community Planning Board considered the project at their meeting on February 17, 2005 and voted 9-0-2 to recommend approval of the project. No formal correspondence has been received to date from the PCPB.

#### Undergrounding Waiver Request

The project currently contains overhead utility lines. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2005 designates the site within Block 2G and a date for the undergrounding has not been determined by City Council (Attachment 5).

#### CONCLUSION

Staff has reviewed the request for a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of four residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-3-7 Zone, the Community Plan and the required findings can be supported (Attachment 6). Therefore, staff recommends approval of Map Waiver No. 167561, including the Waiver from Undergrounding existing utilities, with the attached conditions.

#### ALTERNATIVE

1. Approve Map Waiver No. 167561, with modifications.
2. Deny Map Waiver No. 167561, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Laila Iskandar, Development Project Manager

Attachments:

1. Aerial Photograph
2. Project Data Sheet
3. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2I
4. Draft Resolution with Findings
5. Ownership Disclosure Statement

Job Order Number 42-3624